



General Assembly

January Session, 2019

***Raised Bill No. 7072***

LCO No. 3349



Referred to Committee on AGING

Introduced by:  
(AGE)

***AN ACT INCREASING FUNDING FOR ELDERLY NUTRITION SERVICES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 17b-242 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2019*):

4 (a) The Department of Social Services shall determine the rates to be  
5 paid to home health care agencies and homemaker-home health aide  
6 agencies by the state or any town in the state for persons aided or  
7 cared for by the state or any such town. [For the period from February  
8 1, 1991, to January 31, 1992, inclusive, payment for each service to the  
9 state shall be based upon the rate for such service as determined by the  
10 Office of Health Care Access, except that for those providers whose  
11 Medicaid rates for the year ending January 31, 1991, exceed the median  
12 rate, no increase shall be allowed. For those providers whose rates for  
13 the year ending January 31, 1991, are below the median rate, increases  
14 shall not exceed the lower of the prior rate increased by the most  
15 recent annual increase in the consumer price index for urban

16 consumers or the median rate. In no case shall any such rate exceed the  
 17 eightieth percentile of rates in effect January 31, 1991, nor shall any rate  
 18 exceed the charge to the general public for similar services. Rates  
 19 effective February 1, 1992, shall be based upon rates as determined by  
 20 the Office of Health Care Access, except that increases shall not exceed  
 21 the prior year's rate increased by the most recent annual increase in the  
 22 consumer price index for urban consumers and rates effective  
 23 February 1, 1992, shall remain in effect through June 30, 1993. Rates  
 24 effective July 1, 1993, shall be based upon rates as determined by the  
 25 Office of Health Care Access except if the Medicaid rates for any  
 26 service for the period ending June 30, 1993, exceed the median rate for  
 27 such service, the increase effective July 1, 1993, shall not exceed one  
 28 per cent. If the Medicaid rate for any service for the period ending June  
 29 30, 1993, is below the median rate, the increase effective July 1, 1993,  
 30 shall not exceed the lower of the prior rate increased by one and one-  
 31 half times the most recent annual increase in the consumer price index  
 32 for urban consumers or the median rate plus one per cent.] The  
 33 Commissioner of Social Services shall establish a fee schedule for home  
 34 health services to be effective on and after July 1, 1994. The  
 35 commissioner may annually modify such fee schedule if such  
 36 modification is needed to ensure that the conversion to an  
 37 administrative services organization is cost neutral to home health care  
 38 agencies and homemaker-home health aide agencies in the aggregate  
 39 and ensures patient access. Utilization may be a factor in determining  
 40 cost neutrality. The commissioner shall increase the fee schedule for  
 41 home health services provided under the Connecticut home-care  
 42 program for the elderly established under section 17b-342, effective  
 43 July 1, 2000, by two per cent over the fee schedule for home health  
 44 services for the previous year. Effective July 1, 2019, the commissioner  
 45 shall increase the fee schedule for meals on wheels provided under the  
 46 Connecticut home-care program for the elderly by ten per cent over the  
 47 fee schedule for meals on wheels for the previous fiscal year. The  
 48 commissioner may increase any fee payable to a home health care  
 49 agency or homemaker-home health aide agency upon the application  
 50 of such an agency evidencing extraordinary costs related to (1) serving

51 persons with AIDS; (2) high-risk maternal and child health care; (3)  
 52 escort services; or (4) extended hour services. In no case shall any rate  
 53 or fee exceed the charge to the general public for similar services. A  
 54 home health care agency or homemaker-home health aide agency  
 55 which, due to any material change in circumstances, is aggrieved by a  
 56 rate determined pursuant to this subsection may, within ten days of  
 57 receipt of written notice of such rate from the Commissioner of Social  
 58 Services, request in writing a hearing on all items of aggrievement. The  
 59 commissioner shall, upon the receipt of all documentation necessary to  
 60 evaluate the request, determine whether there has been such a change  
 61 in circumstances and shall conduct a hearing if appropriate. The  
 62 Commissioner of Social Services shall adopt regulations, in accordance  
 63 with chapter 54, to implement the provisions of this subsection. The  
 64 commissioner may implement policies and procedures to carry out the  
 65 provisions of this subsection while in the process of adopting  
 66 regulations, provided notice of intent to adopt the regulations is  
 67 [published in the Connecticut Law Journal] posted on the Internet web  
 68 site of the Department of Social Services and the eRegulations System not  
 69 later than twenty days after the date of implementing the policies and  
 70 procedures. Such policies and procedures shall be valid for not longer  
 71 than nine months.

72 Sec. 2. Section 17b-343 of the general statutes is repealed and the  
 73 following is substituted in lieu thereof (*Effective July 1, 2019*):

74 The Commissioner of Social Services shall establish annually the  
 75 maximum allowable rate to be paid by agencies for homemaker  
 76 services, chore person services, companion services, respite care, meals  
 77 on wheels, adult day care services, case management and assessment  
 78 services, transportation, mental health counseling and elderly foster  
 79 care. [, except that the maximum allowable rates in effect July 1, 1990,  
 80 shall remain in effect during the fiscal years ending June 30, 1992, and  
 81 June 30, 1993.] The Commissioner of Social Services shall prescribe  
 82 uniform forms on which agencies providing such services shall report  
 83 their costs for such services. Such rates shall be determined on the  
 84 basis of a reasonable payment for necessary services rendered. The

85 maximum allowable rates established by the Commissioner of Social  
 86 Services for the Connecticut home-care program for the elderly  
 87 established under section 17b-342 shall constitute the rates required  
 88 under this section until revised in accordance with this section. The  
 89 Commissioner of Social Services shall establish a fee schedule, to be  
 90 effective on and after July 1, 1994, for homemaker services, chore  
 91 person services, companion services, respite care, meals on wheels,  
 92 adult day care services, case management and assessment services,  
 93 transportation, mental health counseling and elderly foster care. The  
 94 commissioner may annually increase [any fee in] the fee schedule  
 95 based on an increase in the cost of services. The commissioner shall  
 96 increase the fee schedule effective July 1, 2000, by not less than five per  
 97 cent, for adult day care services. The commissioner shall increase the  
 98 fee schedule effective July 1, 2011, by four dollars per person, per day  
 99 for adult day care services. The commissioner shall increase the fee  
 100 schedule effective July 1, 2019, for meals on wheels provided under the  
 101 Connecticut home-care program for the elderly by ten per cent over the  
 102 fee schedule for meals on wheels for the previous fiscal year. Nothing  
 103 contained in this section shall authorize a payment by the state to any  
 104 agency for such services in excess of the amount charged by such  
 105 agency for such services to the general public.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2019	17b-242(a)
Sec. 2	July 1, 2019	17b-343

**Statement of Purpose:**

To increase funding for meals on wheels in the Connecticut home-care program for the elderly by ten per cent from fiscal 2018 rates.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*